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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,686	08/31/2001	Kiyoshi Kokubu	7217/65437	1263

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EXAMINER

ROY, SIKHA

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,686

Applicant(s)

KOKUBU, KIYOSHI

Examiner

Sikha Roy

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 8-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Acknowledgement is made by the examiner of the Preliminary Amendment which has been entered on March 11, 2002.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7 and 13-17 drawn to, display device classified in class 313, subclass 493.
- II. Claims 8-12, drawn to method for making display devices, classified in class 445, subclass 24.

Inventions of Group I and Group II are related as product and process of making it. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process. For example, the product as claimed, can be made as follows: the fixing blocks can be adhered to each other by gluing and not by welding.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Jay H. Maioli on 9/9/02 a provisional election was made with traverse to prosecute the invention of group I, claims 1-7 and 13-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent 5,731,660 to Jaskie et al.

Jaskie et al. disclose (column 5 lines 3-18, column 9 lines 28-36, Fig. 1) hermetically sealed enclosure comprising a pair of flat plates 10 and 12, a frame member 14 pinched between the flat plates, an adhering member (sealant 58 in Fig. 12) for sealing the space formed inside the frame by adhering the flat plates at the outer periphery of the frame member and a getter material 48 (Fig. 3) attached to the inner surface of the frame member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 5,731,660 to Jaskie et al. in view of U. S. Patent 6,392,334 to Alwan.

Referring to claims 1 and 13, Jaskie et al. disclose (column 5 lines 3-18, column 9 lines 28-36, Fig. 1) hermetically sealed enclosure comprising a pair of flat plates 10 and 12, a frame member 14 pinched between the flat plates, an adhering member (sealant 58 in Fig. 12) for sealing the space formed inside the frame by adhering the flat plates at the outer periphery of the frame member.

Claims 1 and 13 differ from Anderson et al. in that Anderson et al. do not exemplify the fixing block means outside the frame member for coupling the flat plates.

Alwan in analogous art of flat panel display discloses (column 4 lines 14-50, Fig. 1) fixing block means 20a and 20b coupling the flat plates 12 and 14. It is further disclosed (column 1 lines 40-45, column 3 lines 15-23) that first fixing block is aligned with the pixel matrix of the faceplate and the second fixing block is aligned with the cathode member in the base plate and coupling the fixing blocks the cathode tips are aligned in opposed relation to specific pixels.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include fixing block means outside the frame member of the display device of Jaskie et al. as taught by Alwan for aligning the cathode tips in one flat plate with the pixel matrix in the other flat plate.

Regarding claims 2 and 14, Alwan discloses (Fig. 3) one fixing block means (20a) fixed to faceplate 12 and the other fixing block means fixed to baseplate 14.

Regarding claims 3 and 15, Alwan discloses (Fig. 9) the fixing block means includes a pair of fixing blocks 44a and 44b, attached to one side and the other side of the flat plates and the fixing blocks are adhered at a superposed position.

Regarding claims 4 and 16 Alwan discloses (column 4 lines 51-60, Fig. 3) the fixing blocks comprise metal plates 22 and 26.

The Examiner notes that the claim limitation that "the fixing blocks are adhered by welding" is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (see MPEP 2113). Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art that the display device disclosed by Jaskie et al. and Alwan is at least a fully functional equivalent to the Applicant's claimed invention.

Referring to claim 5 Alwan discloses (column 4 lines 36,37) the flat plates 12 and 14 are made of glass.

Art Unit: 2879

Regarding claims 6 and 17 Jaskie et al. disclose (column 9 lines 32-36) the adhering member is formed of a low melting point glass material (glass frit).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to fabrication of flat panel displays.

U. S. Patent 5,600,203 to Namikawa et al.

U. S. Patent 5,708,325 to Anderson et al.

U. S. Patent 6,077,142 to Stansbury.

U. S. Patent 6,172,457 to Brown et al.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (703) 308-2826. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

S.R.
Sikha Roy
Patent Examiner
Art Unit 2879

Ashok Patel
ASHOK PATEL
PRIMARY EXAMINER